

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHRISTOPHER PATTERSON,  
 Plaintiff,

vs.

BILL A. BERRETT, *et al.*,  
 Defendants.

Case No. 2:14-cv-01249-LDG-CWH

**ORDER**

This matter is before the Court on Plaintiff Christopher Patterson's ("plaintiff") Motion to Order a Subpoena Duces Tecum (doc. # 9), filed December 22, 2014. No opposition was filed.

On July 29, 2014, plaintiff filed an application to proceed in forma pauperis and a complaint. See Doc. # 1. On October 10, 2014, the Court entered a screening order: (1) granting plaintiff's request to proceed in forma pauperis; (2) dismissing Counts II, III, and IV of plaintiff's complaint without prejudice, but also without leave to amend; and (3) allowing a portion of Count I of plaintiff's complaint to proceed, while providing plaintiff an opportunity to amend the remaining portion of Count I regarding "religious materials" that was dismissed by the Court. See Doc. # 2. Plaintiff did not amend Count I of his complaint, which led the Court to issue an order dismissing the "religious materials" portion of Count I for failure to amend, while allowing the remaining issue regarding "wristbands" to proceed against Defendant Lt. Clark ("Clark"). See Doc. # 4. In its order, moreover, the Court directed the Clerk of Court to issue a summons for Clark and to deliver the summons and complaint to the U.S. Marshal for service. Id. The Court also noted that it may order a subpoena duces tecum to the custodian of records at the Clark County Detention Center ("CCDC") to provide

1 the first and last names and last known addresses of the correctional officers identified in plaintiff's  
 2 complaint. Id. Plaintiff now brings the instant motion to order a subpoena duces tecum to the  
 3 custodian of records at the CCDC to provide the first name, last name, and last known address of the  
 4 current undersheriff at the CCDC, along with the first name and last known address of Clark in the  
 5 event Clark was not yet served. See Doc. # 9.

6 A review of the record reveals that Clark was successfully served on December 1, 2014, with  
 7 Clark since filing an answer to plaintiff's complaint. See Doc. # 6; Doc. # 7. Thus, the only  
 8 information required at this juncture is with respect to the undersheriff at the CCDC. Because the  
 9 information plaintiff needs is in the possession of non-party CCDC, the Court will approve issuance  
 10 of a subpoena duces tecum to be served on the registered agent of the CCDC by the U.S. Marshal.  
 11 Service must be personally made on the CCDC's registered agent, whose address shall be listed on the  
 12 subpoena as follows:

13 Clark County Detention Center  
 14 330 South Casino Center Boulevard  
 15 Las Vegas, NV 89101

16 Upon receipt, the CCDC shall have twenty-one (21) days to provide the first name, last name,  
 17 and last known address of the undersheriff at the CCDC, as identified in plaintiff's complaint. Failure  
 18 to comply may result in significant sanctions, including a recommendation that the CCDC and its  
 19 officers be held in contempt.

20 Based on the foregoing and good cause appearing therefore,

21 **IT IS HEREBY ORDERED** that "plaintiff's Motion to Order a Subpoena Duces Tecum (doc.  
 22 # 9) is **granted in part and denied in part**.

23 **IT IS FURTHER ORDERED** that the Clerk of Court shall issue a subpoena duces tecum to  
 24 the CCDC and deliver a copy of the subpoena and this order to the U.S. Marshal for personal service  
 25 on the CCDC's registered agent for service of process and file a return with the Court. The CCDC  
 26 shall have twenty-one days from receipt of the subpoena to provide the first name, last name, and last  
 27 known address of the undersheriff at the CCDC, as identified in plaintiff's complaint, under seal.  
 28 Failure to comply may result in sanctions, up to and including a recommendation that the CCDC

1 and/or its officers be held in contempt.

2 DATED: January 14, 2015

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6 C.W. Hoffman, Jr.  
7 United States Magistrate Judge  
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